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6 UNITED STATES DISTRICT COURT  
7 CENTRAL DISTRICT OF CALIFORNIA  
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9 ELDRED NICHOLSON,

10 Plaintiff,

11 v.

12 P. FINANDER, et al.,

13 Defendants.  
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Case No. CV 12-9993-FMO (JEM)

ORDER ACCEPTING FINDINGS AND  
RECOMMENDATIONS OF UNITED  
STATES MAGISTRATE JUDGE AND  
DENYING MOTION FOR PRELIMINARY  
INJUNCTION AND/OR TEMPORARY  
RESTRAINING ORDER

15 Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings, the records on file,  
16 and the Report and Recommendation of the United States Magistrate Judge. No Objections  
17 to the Report and Recommendation have been filed within the time allowed for Objections. The  
18 Court accepts the findings and recommendations of the Magistrate Judge.

19 On October 28, 2014, Plaintiff filed a document entitled "Motion for Emergency  
20 Injunction" ("Motion"), seeking a Court order directing prison officials to: (1) renew Plaintiff's  
21 prescription for the pain medication Methadone; (2) restrict Plaintiff to the use of waist chains  
22 instead of "standard hand restraints"; (3) grant Plaintiff a lower bunk chrono;<sup>1</sup> and (4) grant  
23 Plaintiff wrist and ankle brace chronos.<sup>2</sup> (Motion at 2-3.) Given that the Court is dismissing the  
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26 <sup>1</sup> "A 'chrono' is a collection of informal notes taken by prison officials documenting medical orders."  
Akhtar v. Mesa, 698 F.3d 1202, 1205 n.1 (9th Cir. 2012).

27 <sup>2</sup> Although the caption of Plaintiff's Motion names Dave Davy, Warden, and John Doe as defendants,  
28 the only defendants named in Plaintiff's First Amended Complaint ("FAC") are Gian Hernandez, Paulette  
Finander, James Marcelo, and Corina Chin. (See FAC at 3-4.) Accordingly, the Court construes  
Plaintiff's Motion as seeking injunctive relief against Hernandez, Finander, Marcelo, and/or Chin.

1 First Amended Complaint ("FAC") for failure to state a cognizable federal claim against any  
 2 defendant, Plaintiff's Motion seeking a preliminary injunction and/or a temporary restraining  
 3 order (Docket No. 67) must be denied because there is no defendant against whom this Court  
 4 could enter an order. See Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 112  
 5 (1969); see also Zepeda v. United States Immigration Service, 753 F.2d 719, 727 (9th Cir.  
 6 1985) ("A federal court may issue an injunction if it has personal jurisdiction over the parties and  
 7 subject matter jurisdiction over the claim; it may not attempt to determine the rights of persons  
 8 not before the court.").

9 IT IS HEREBY ORDERED as follows: (1) Plaintiff's Motion to Supplement FAC (Docket  
 10 No. 58) is GRANTED; (2) Plaintiff's Motion to Amend (Docket No. 63) is DENIED; (3)  
 11 Defendants' Motion to Dismiss (Docket No. 59) is GRANTED IN PART; (4) Plaintiff's claims  
 12 against Gian Hernandez, Paulette Finander, James Marcelo, and Corina Chin are DISMISSED  
 13 with leave to amend for failure to state a claim; and (5) Plaintiff's Motion for a preliminary  
 14 injunction and/or a temporary restraining order (Docket No. 67) is DENIED without prejudice  
 15 for lack of jurisdiction. Plaintiff may file a Second Amended Complaint **within thirty (30) days**  
 16 of this Order, which remedies the deficiencies set forth in the Magistrate Judge's Report and  
 17 Recommendation.<sup>3</sup>

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 19 DATED: March 5, 2015

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 /s/  
 FERNANDO M. OLGUIN  
 UNITED STATES DISTRICT JUDGE

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 28 <sup>3</sup> Plaintiff may not add additional claims or defendants or amend the claims included in the FAC in  
 any other way without prior leave of court. See Fed. R. Civ. P. 15(a).